



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JUL 19 2011

CERTIFIED MAIL, RETURN RECEIPT REQUESTED: 7004 1160 0003 0357 1576

Mr. Mario Canales  
Bruni Rural WSC  
P.O. Box 97  
Bruni, TX 78344-0097

Re: PWS ID No.: TX2400003  
Docket No.: SDWA-06-2011-1361

Dear Mr. Canales:

The Environmental Protection Agency (EPA) recently implemented a new Enforcement Response Plan (ERP) that in part, establishes a new process for identifying facilities that are to be given enforcement priority. One requirement of this policy is that all systems subject to enforcement priority must, within two quarters, either come into compliance or become a recipient of a formal enforcement action.

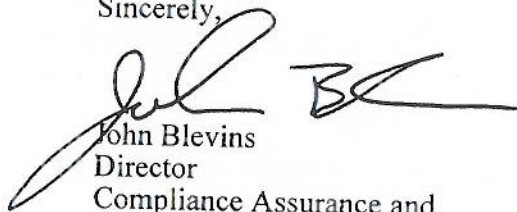
Enclosed is an Order issued to the Bruni Rural WSC Water System for violation of the Safe Drinking Water Act (Act), 42 U.S.C. § 300f, et seq., and its implementing regulations, 40 C.F.R. Part 141. The EPA finds that you own or operate the public water system identified in the Order and are therefore subject to these regulations.

This Order directs your compliance with the requirements of the Act and implementing regulations, including the Maximum Contaminant Levels (MCLs) for arsenic, as set forth in Section 1412 of the Act, 42 U.S.C. § 300g-1. Compliance with the MCL is based on a running annual average. As described in the enclosed Order, the Bruni Rural WSC Water System is required to comply with the requirements cited above to deliver drinking water that meets the national standard for arsenic and to conduct quarterly monitoring to ensure compliance with the MCL.

EPA also wants you to be aware of a new process in place in Texas that was created to help facilities secure technical assistance and funding to address these types of issues. The Texas Water Infrastructure Coordination Committee (TWICC) was formed with representation from stakeholders, funding entities, and Federal and State partners to identify water and wastewater infrastructure and compliance issues and to seek affordable, sustainable and innovative funding strategies for the protection of public health. If you feel your system could benefit from the TWICC, please let us know so that we can discuss the matter with you.

If you need assistance, or have questions regarding the Order, please contact Mr. Mehdi Taheri, of my staff, at (214) 665-2298. Please be aware that failure to comply with this Order may subject you to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

Sincerely,

  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Brian Sinclair, TCEQ  
Linda Brookins, TCEQ

0X





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

March 3, 2014

Mr. Bryan Sinclair, Director  
Enforcement Division  
Ms. Linda Brookins, Director  
Water Supply Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Dear Mr. Sinclair and Ms. Brookins:

Enclosed is the January 2014 list of Texas public water systems with an Enforcement Targeting Tool (ETT) score greater than or equal to eleven (11) points. You may view the entire ETT list by going to the EPA's Online Tracking Information System (OTIS) database at [http://www.epa-otis.gov/otis/sdwa\\_home.html](http://www.epa-otis.gov/otis/sdwa_home.html). This list represents drinking water system violation and enforcement data through September 30, 2013. As indicated in the Enforcement Response Policy, any water system with a score  $\geq 11$  points is considered an enforcement priority requiring issuance of an appropriate formal enforcement action or a return to compliance within two calendar quarters of listing.

Facilities new to the list this quarter are highlighted in blue on the enclosed list. The State of Texas has three hundred and thirteen water systems, including two hundred and thirteen new systems, on the ETT list, which is 4.5 percent of your universe-the highest percentage in the nation. The number of violating systems in Texas is greater than each of the other nine EPA regions. Our regional goal is to have less than 1.0% of facilities with a score of 11 or greater. To be consistent with EPA's drinking water enforcement policy, issuance of an enforcement action or a return to compliance for these newly added facilities is required by June 30, 2014.

EPA will continue to work with the Texas Commission on Environmental Quality (TCEQ) to bring about a significant reduction in the number of facilities on the ETT list. Please provide, in the "Comments" column of the enclosed list, a description of action(s) taken, or action(s) the TCEQ intends to take, to return these recently added facilities to compliance and submit the list with your comments to Mr. Mehdi Taheri (6EN-WR) at the address above, within thirty days of receipt of this letter.

I am specifically concerned with the number of facilities on the list that have unaddressed violations because they are exceeding the enforcement policy target of being addressed within two quarters. During our end-of-year enforcement meeting in January, my staff met with yours and identified many old violations that needed to be closed out. From subsequent meetings, I understand that this results from old violations that are in SDWIS Fed that are not in the State system. We will continue to work with you to remove these old violations from the system. This should result in a meaningful reduction of facilities on the federal ETT list.

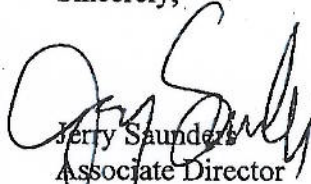
Re: ETT Letter

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Texas Commission on Environmental Quality

I look forward to our continued relationship in ensuring the delivery of safe drinking water to Texas residents. If you have any questions concerning the ETT or other enforcement-related issues, please contact Mr. Mehdi Taheri, Texas Enforcement Coordinator, at (214) 665-2298.

Sincerely,

  
Jerry Saunders  
Associate Director  
Water Enforcement Branch

Enclosure



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 3, 2014

Mr. Jerry Saunders  
Associate Director, Water Enforcement Branch  
U. S. Environmental Protection Agency - Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Dear Mr. Saunders:

The Texas Commission on Environmental Quality (TCEQ) has received your correspondence dated November 22, 2013, to Mr. Bryan Sinclair, Director, Enforcement, Office of Compliance and Enforcement and Ms. Linda Brookins, Director, Water Supply, Office of Water, regarding the Environmental Protection Agency's (EPA) October 2013 list of Texas' public water systems (PWS or systems) with an Enforcement Targeting Tool (ETT) score greater than or equal to eleven (11) points. Based on a comprehensive review and comparison of TCEQ's ETT data to EPA's data, Texas does not have the highest number of water systems considered to be an enforcement priority.

As stated in your letter, under the Enforcement Response Policy (ERP) and using the ETT formula (i.e., score greater than or equal to 11), EPA's Region 6 has identified four-hundred and eight (408) water systems in Texas that would be considered priority systems for an enforcement response. The October 2013 list represents drinking water system violation and enforcement data through June 30, 2013. Based on our review of this information, the data used to generate the October 2013 priority enforcement list is not representative of TCEQ's most current efforts to address PWSs with serious and/or significant violations.

Per your request, we have enclosed a description of actions taken or to be taken to return the 408 systems to compliance on the spreadsheet referenced in your letter. By using more recent datasets for the identification of high priority systems, the TCEQ can demonstrate as of December 12, 2013, two-hundred forty-seven (247) of the 408 systems have been formally addressed through issuance of a TCEQ Enforcement Order, referral to EPA, or returned to compliance. Using the return to compliance (RTC) guidance provided by EPA, of the 247 that have been formally addressed, one-hundred and eighteen (118) of the systems have been returned to compliance. Based on the actions that TCEQ has taken to address the systems on the list you provided in your November 22, 2013 letter, one-hundred sixty-one (161) are pending formal action which represents 2.3 percent of the universe of public water systems in Texas.



Because the EPA did not provide states the necessary ETT algorithm to identify systems that meet the ETT criteria for enforcement response, TCEQ created and continues to use its own ETT algorithm to identify and evaluate these systems on a weekly basis, based on the ETT formula provided in EPA's guidance. Based on this method of using the most current data, TCEQ intends to continue to use its own ETT list to accurately identify systems that are candidates for formal enforcement.

The TCEQ commends EPA's commitment to increase the effectiveness of state and federal enforcement targeting efforts; however, comparing state ETT lists to EPA generated ETT lists based on information that is approximately six months old is a complex task. The TCEQ has spent approximately 800 FTE hours comparing, assembling, and developing a list that replicates the EPA's ETT list to identify action taken relating to non-compliant systems. The TCEQ is concerned with the considerable amount of staff resources that will be necessary to evaluate the EPA's ETT lists.

In addition to creating its own ETT, the TCEQ's Public Drinking Water Section has reorganized to increase efficiencies to ensure timely compliance monitoring and compliance determination for chemical and microbiological standards, formal enforcement action for PWSs that exceed compliance trigger levels agreed upon by TCEQ and EPA for approximately 7,000 public water systems that provide drinking water to approximately 25,000,000 Texas citizens.

To address those compliance determinations of formal enforcement actions, the TCEQ Enforcement Division has increased the priority of those cases and employs an expedited process for review. To address systems with source water contamination and no other compliance issues, the Enforcement Division developed an enforcement order with requirements for feasibility studies or equivalent, required follow up actions, assessed penalties, and compliance period deadlines for the system to come into compliance. In developing this enforcement protocol, the TCEQ Enforcement Division is handling enforcement actions that were previously issued by EPA Region 6.

As agreed upon by EPA and TCEQ, TCEQ intends to continue its efforts of referring violations to EPA's Region 6 for systems with existing enforcement orders issued by EPA. Additionally, TCEQ will continue to coordinate with EPA Region 6 to provide information TCEQ receives from systems with existing EPA orders to fulfil the requirements outlined in EPA's orders.

TCEQ continues to achieve Performance Activity Measures (PAM) results that exceed the EPA's targets. One of the drinking water measures reflecting public health improvements in EPA's PAM is 2.1.1 - Water Safe to Drink: The EPA Region 6 Fiscal Year 2013 2.1.1 goal is 87 percent. The Texas 2.1.1 rate achieved is 96.3 percent which is higher than the EPA goal. TCEQ -- despite the reduction in federal funds over the past several years -- continues to successfully implement the tasks associated with enforcement as detailed in the EPA-approved grant work plans for the Public Water System Supervision Program Performance Partnership grant (PWSS PPG) and the Drinking Water State Revolving Fund Set-Aside (DWSRF) grants.

Mr. Jerry Saunders

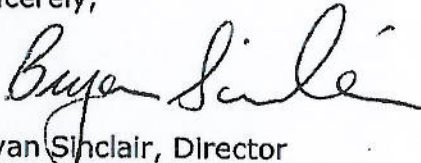
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March 3, 2014

We would be glad to meet with you to discuss our processes and how we use Texas' ETT list to guide our program and enforcement actions and meet EPA's regional goal of less than two percent of facilities with a score of 11 or greater.

The TCEQ looks forward to working with you on these very important issues. If you have any questions or require further information, please contact me at (512) 239-2171 or Ms. Linda Brookins, Director, Water Supply Division at (512) 239-4625.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryan Sinclair".

Bryan Sinclair, Director  
Enforcement Division  
Texas Commission on Environmental Quality

BC/CL/eh

Cc: Linda Brookins, Director, Water Supply Division



U. S. ENVIRONMENTAL PROTECTION AGENCY-REGION 6  
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of: Bruni Rural WSC Water System  
Owned/Operated by Bruni Rural WSC, Public Water System, Respondent  
Docket No. SDWA-06-2011-1361

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 1414(g) of the Safe Drinking Water Act ("Act"), 42 USC § 300g-3(g). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Respondent, Bruni Rural WSC, is a "person," as defined by Section 1401(12) of the Act, 42 USC §300f(12).
2. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or operated a public water system ("PWS"), as defined by Section 1401(4) of the Act, 42 USC §300f(4), located in Bruni, Webb County, Texas, ("facility"), and designated as PWS number TX2400003.
3. As a PWS and a "supplier of water," Respondent is subject to the regulations promulgated by EPA pursuant to Section 1412 of the Act, 42 USC § 300g-1, entitled "National Primary Drinking Water Regulations."
4. During the relevant time period, Respondent's PWS was a "Community water system" as defined by Section 1401(15) of the Act, 42 USC § 300f(15).
5. The Texas Commission on Environmental Quality ("TCEQ") and the EPA have enforcement authority for the PWS provisions of the Act in the State of Texas. TCEQ and EPA have consulted regarding this Order, and it has been agreed that EPA would initiate this enforcement action.
6. Respondent monitored for arsenic during each of the four quarters in 2010, resulting in a running annual average of 0.080 mg/L that exceeded the arsenic maximum contaminant level ("MCL") of 0.010 mg/L in violation of 40 CFR § 141.62(b)(16).

7. Respondent is required to comply with the arsenic requirements of the Act, as set forth in Section 1412 of the Act, 42 USC § 300g-1.

ORDER

Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 USC §300g-3(g), EPA orders that Respondent immediately take the following actions:

- A. In the event that public notice, as required by 40 CFR § 141.201, has not been given by Respondent regarding the violations specified in paragraph 6, the Respondent shall, within thirty (30) days of issuance of this Order, provide a public notice of the violations as set forth in 40 CFR § 141.201. Respondent shall submit a copy of the public notice to EPA and TCEQ within forty (40) days of issuance of this Order.
- B. Within one hundred and twenty (120) days of the issuance date of this Order, Respondent shall submit to EPA a detailed plan to bring the PWS into compliance with the MCL for arsenic. The plan shall include: 1) a system modification proposal; 2) a cost analysis of system modifications; and 3) a construction schedule for the project. The schedule shall include specific milestone dates and a final compliance date that is no later than eighteen (18) months from the issuance date of this Order. The plans must be submitted to EPA for approval before construction can commence.
- C. The approved schedule for construction and completion of modifications will be incorporated in a future administrative order.
- D. Respondent must achieve and maintain compliance with 40 CFR § 141.62(b)(16) by the date specified in the approved plan, or not later than eighteen (18) months after the issuance date of this Order.
- E. Within ninety (90) days of the effective date of this Order, Respondent shall submit to EPA an initial report on the progress made to bring the PWS into compliance with the arsenic MCL. Following the initial report, quarterly progress reports shall be due to EPA within ten (10) days after the end of each calendar quarter. Respondent shall notify EPA when all improvements have been completed.

F. The reporting required by this Order must be provided by the Respondent to EPA at the following address:

Mr. Mehdi Taheri  
Water Enforcement Branch (6EN-W)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

This Order shall be binding on the PWS cited herein and all its successors, and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

7.19.11  
Date

G. Regarding part A in the Order Section, Respondent shall submit a copy of the public notice to TCEQ at the following address:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 14087  
Austin, TX 78711-3087

  
John Blevins

Director

Compliance Assurance and  
Enforcement Division

With a copy to:

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

### GENERAL PROVISIONS

This Order is effective upon receipt by Respondent.

This Order does not constitute a waiver, suspension, or modification of the requirements of 40 CFR Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Order may subject Respondent to an administrative civil penalty of up to \$37,500 under Section 1414(g) of the Act, 42 USC § 300g-3(g), or a civil penalty of not more than \$37,500 per day per violation, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 USC § 300g-3(g)(3)(A).